## REMARKS

The foregoing amendments and the following comments are responsive to the objections and rejections set forth by the Examiner in the July 3, 2003 Office Action.

Claims 1-3, and 5-44 are pending in this application. The Examiner rejected Claims 1-3 and 5-44. In particular, the Examiner rejected Claims 1-3, 5, 6, 8-19, 21-33 and 35-44 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,885,003 ("the Ladden patent") in view of U.S. Patent No. 6,104,996 ("the Yin patent") in view of U.S. Patent No. 6,130,577 ("the Tamba patent") further in view of U.S. Patent No. 6,002,719 ("the Parvulescu patent"). The Examiner further rejected Claims 7, 20 and 34 under 35 U.S.C. § 103(a) as being unpatentable over the combination of the Ladden patent in view of the Yin patent in view of the Tamba patent in view of the Parvulescu patent and in further view of U.S. Patent No. 5,469,471 ("the Wheatley III patent").

By this amendment, Applicant has amended Claims 18, 27, 30, and 35. Reconsideration of the application, as amended, is respectfully requested.

### REJECTION OF CLAIMS 1, 8, 18, 27, 30, 35, and 39 UNDER 35 U.S.C. § 103(a)

The Examiner rejected Claims 1, 8, 18, 27, 30, 35, and 39 under 35 U.S.C. § 103(a) as being unpatentable over the Ladden patent in view of the Yin patent in view of the Tamba patent and further in view of the Parvulescu patent. In view of the following discussion, Applicant respectfully traverses this rejection.

Applicant respectfully submits that the claims as previously pending are patentably distinguished over Ladden, Yin, Tamba, and Parvulescu, the other cited references or any combination thereof. Claims 18, 27, 30, and 35, however, have been amended without altering their scope in order to clarify the features of Applicants' inventions. These claim amendments are not made for patentability purposes, and it is believed that the claims would satisfy the statutory requirements for patentability without the entry of such amendments.

Ladden, Yin, Tamba, Parvulescu, or any combination thereof, appears to change speech coders when the signal quality degrades and a better quality coder, or a bandwidth more suited to the signal, is needed to raise the quality of the speech coded in the mobile phone to an acceptable level.

In contrast, an embodiment of the invention monitors the quality of the received signal and switches from a first speech coder to a second speech coder when the quality of the received signal is high. The second speech coder then produces a speech signal, which is not as high quality as the first speech coder produces. The second speech coder consumes less battery power and reduces power consumption in the mobile unit (see page 14 line 8 and page 15 line 6). The second speech coder is less accurate than the first speech coder (see page 14 lines 6-8). The second speech coder is a lower quality speech coder than the first speech coder (see page 10, lines 11-13).

Because the references cited by the Examiner do not disclose, teach or suggest the use of switching to a lower quality and less accurate speech coder when the quality of the signal is high, Applicant asserts that Claims 1, 8, 18, 27, 30, 35, and 39 are not obvious in view of Ladden, Yin, Tamba and Parvulescu. Applicant therefore respectfully submits that Claims 1, 8, 18, 27, 30, 35 and 39 are patentably distinguished over the cited references and Applicant respectfully requests allowance of Claims 1, 8, 18, 27, 30, 35 and 39.

**REJECTION OF CLAIMS 2, 3, 5, 6, 9-17, 19, 21-26, 28, 29, 31-33, 36-38, and 40-44 UNDER 35 U.S.C. § 103(a)**

The Examiner rejected Claims 2, 3, 5, 6, 9-17, 19, 21-26, 28, 29, 31-33, 36-38, and 40-44 under 35 U.S.C. § 103(a) as being unpatentable over the Ladden patent in view of the Yin patent in view of the Tamba patent and further in view of the Parvulescu patent. In view of the following discussion, Applicant respectfully traverses this rejection.

Claims, 2, 3, 5, and 6, which depend from Claim 1, are believed to be patentable for the same reasons articulated above with respect to Claim 1, and because of the additional features recited therein.

Claims 9-17, which depend from Claim 8, are believed to be patentable for the same reasons articulated above with respect to Claim 8, and because of the additional features recited therein.

Claims 19, and 21-26, which depend from Claim 18, are believed to be patentable for the same reasons articulated above with respect to Claim 18, and because of the additional features recited therein.

Claims 28 and 29, which depend from Claim 27, are believed to be patentable for the same reasons articulated above with respect to Claim 27, and because of the additional features recited therein.

Claims 31-33, which depend from Claim 30, are believed to be patentable for the same reasons articulated above with respect to Claim 30, and because of the additional features recited therein.

Claims 36-38, which depend from Claim 35, are believed to be patentable for the same reasons articulated above with respect to Claim 35, and because of the additional features recited therein.

Claims 40-44, which depend from Claim 39, are believed to be patentable for the same reasons articulated above with respect to Claim 39, and because of the additional features recited therein.

**REJECTION OF CLAIMS 7, 20, 34 UNDER 35 U.S.C. § 103(a)**

The Examiner rejected Claims 7, 20, 34 under 35 U.S.C. § 103(a) as being unpatentable over the combination of the Ladden patent in view of the Yin patent in view of the Tamba patent in view of the Parvulescu patent, and further in view of the Wheatley III patent. In view of the following discussion, Applicant respectfully traverses this rejection.

Claim 7, which depends from Claim 1, is believed to be patentable for the same reasons articulated above with respect to Claim 1, and because of the additional features recited therein.

Claim 20, which depends from Claim 18, is believed to be patentable for the same reasons articulated above with respect to Claim 18, and because of the additional features recited therein.

Claim 34, which depends from Claim 30, is believed to be patentable for the same reasons articulated above with respect to Claim 30, and because of the additional features recited therein.

## REQUEST FOR TELEPHONE INTERVIEW

Pursuant to M.P.E.P. § 713.01, in order to expedite prosecution of this application, Applicant's undersigned attorney of record hereby formally requests a telephone interview with the Examiner as soon as the Examiner has considered the effect of the arguments presented above. Applicant's attorney can be reached at (949) 721-2998 or at the number listed below.

## CONCLUSION

In view of the forgoing, the present application is believed to be in condition for allowance, and such allowance is respectfully requested. If further issues remain to be resolved, the Examiner is cordially invited to contact the undersigned such that any remaining issues may be promptly resolved. Also, please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: 10/1/03

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